

EXHIBIT B

September 20, 2018

Re: Consensual Monitoring of Wireless Phone by Law Enforcement

Dear:

Kindly accept this correspondence as confirmation of representations made by the Department of Justice (DOJ) and the **Federal Bureau of Investigation (FBI)** regarding the consensual monitoring of mobile phones for law enforcement purposes pursuant to 18 U.S.C. § 2511 (2)(c). The specific phone referenced in this letter for AT&T's assistance in conducting consensual monitoring is an AT&T cellular telephone assigned telephone number [REDACTED] 8802.

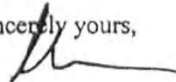
Pursuant to 18 U.S.C. § 2501 *et seq.*, the law enforcement agencies of the Department of Justice sometimes consensually monitor the wire and electronic communications of confidential informants and other parties in order to gather information for their criminal investigations. As you know, consent of one of the parties to a communication is sufficient under the law to permit monitoring without court order. Even though consensual monitoring does not require a judge's authorization, given the portability of cellular phones and possibility of civil liability arising from someone other than the consenting party using the phone, AT&T has been requiring prosecutors to obtain a court order before permitting consensual monitoring.

Since we are aware of your concerns regarding the portability, and correspondingly the common transfer of mobile phones to non-consenting third parties, the **DOJ/FBI** propose that with consensual monitoring under 18 U.S.C. § 2511, consenting parties will be required to sign a consent and acknowledgment form pledging that the target phone will not be used by anyone else, including the uses of cell phone photography and text messaging. A sample copy of this form is attached.

After a thorough review of current applicable law, it is the position of the **DOJ/FBI** that an order is not required when a party to a communication consents to the monitoring, even when that phone used is inherently mobile; however, since the **DOJ/FBI** also recognizes the rights of third parties should be protected, the consenting party will be required to read and sign a statement pledging that the phone shall not be used by any other party.

We hope that this information assuages AT&T's concerns. Should you have any additional questions, please do not hesitate to contact us. Thank you for your anticipated cooperation in this matter.

Sincerely yours,



AUSA Signature

ERIC S. ROSEN

AUSA Printed Name